

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Daniel GONZALEZ,

Defendant(s)

Magistrate Case No.

**'08 MJ 1311**  
COMPLAINT FOR VIOLATION OF:


Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)  
Transportation of Illegal  
Aliens

FILED  
03 APR 20 PM 12:05

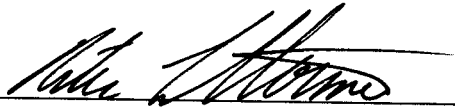
The undersigned complainant, being duly sworn, states:

On or about **April 25, 2008**, within the Southern District of California, defendant **Daniel GONZALEZ** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Rocio CARBAJAL-Lazaro, Armando CHAVEZ-Contreras, and Bianey ZAMORA-Morales** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
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SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **APRIL 2008**

  
\_\_\_\_\_  
Nita L. Stormes  
UNITED STATES MAGISTRATE JUDGE

### PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Rocio CARBAJAL-Lazaro, Armando CHAVEZ-Contreras, and Bianey ZAMORA-Morales** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 25, 2008, Supervisory Border Patrol Agent L. Miele and Border Patrol Agents of the Campo Station Abatement Team were conducting anti-smuggling duties in the Campo Station area of responsibility. All agents were dressed in street attire and were operating unmarked Agency surveillance vehicles. At approximately 10:25 a.m., Agent P. Padilla advised other surveillance units that he had observed a white Buick sedan with a single male occupant turn south on Tierra Del Sol Road from Old Highway 80 and continue south past State Route 94. Tierra Del Sol Road is a notorious alien and narcotics smuggling corridor that spans approximately six and a half miles between Old Highway 80 and the United States/Mexico border, approximately eighteen miles east of the Tecate, California Port of Entry. Tierra Del Sol Road is favored by smugglers of humans and contraband due to its ready access to the immediate border area and quick egress to Interstate 8 via the nearby Ribbonwood Road and Crestwood Road interchanges.

Agent Padilla contacted Border Patrol Dispatch for registration information on the white Buick and was advised that the vehicle was a rental car out of Indio, California, approximately 131 miles outside of the local Boulevard, California area. In the experience of Agent Padilla and the other agents, vehicles found in the immediate border area that are registered so far outside of the local area are often involved in smuggling activity. In addition, it is the agents' experience that smugglers often use rental vehicles or vehicles with incomplete registrations to conceal the identities of the people involved in the smuggling activity. Suspecting that the driver of the white Buick was in the Tierra Del Sol area to pick up smuggled aliens or narcotics, agents assumed surveillance positions along Tierra Del Sol Road near SR 94.

At approximately 10:33 a.m., Agent Padilla informed Agent Miele that the white Buick was headed back north on Tierra Del Sol Road toward SR 94. In total, only approximately eight minutes had passed since the white Buick had traveled south on Tierra Del Sol Road. This sort of quick in-and-out trip is characteristic of smuggling pickups where illegal aliens or contraband are staged close to the roadway waiting for smuggling conveyances. Agent Miele and Agent S. Sanner were waiting at the intersection of SR 94 and Tierra Del Sol Road when the white Buick arrived shortly thereafter and rolled through the stop sign, heading east on SR 94. Agent Miele and Agent Sanner both observed that the vehicle now contained a female passenger in the front seat in addition to the male driver. Agent Miele pulled his unmarked Agency Tahoe out behind the white Buick and began following it east. Agent Miele and Agent Sanner both observed that the rear of the vehicle was bouncing in an exaggerated fashion as it passed over the small hills and troughs in the roadway. This type of bounce is characteristic of smuggling vehicles that have been loaded with hundreds of extra pounds of human cargo or contraband, concealed in the rear passenger compartment and/or trunk compartment. Based on the totality of the facts articulated above, Agent Miele believed that the driver of the white Buick had loaded illegal aliens, and he contacted Boulevard Border Patrol Station agents to request that a marked Border Patrol vehicle assist agents by making a vehicle stop. Supervisory Border Patrol Agent J. Ortiz advised that he would respond to assist.

**CONTINUATION OF COMPLAINT:**  
**Daniel GONZALEZ**

Agent Miele and Agent Sanner followed the white Buick as it entered Interstate 8 heading east from Ribbonwood Road. Agent Ortiz pulled in behind the white Buick and activated the emergency equipment on his marked Border Patrol vehicle. The vehicle yielded to the shoulder of eastbound Interstate 8 approximately four miles east of Ribbonwood Road. Agent Ortiz approached the vehicle, identifying himself as a Border Patrol Agent, while Agent Miele and Agent Sanner approached the passenger's side with their Agency issued badges displayed. While Agent Ortiz questioned the driver, later identified as the defendant **Daniel GONZALEZ**, Agent Miele observed that the female passenger had dirt and grass stains on her jeans and was wearing cloth "booties" over her shoes, indicative that she was a smuggled alien. Agent Miele also observed that there was another subject crammed into the floorboard space behind the front seats, which were leaned back to conceal him from view.

At approximately 11:00 a.m., Agent Ortiz placed the defendant under arrest. At that time, the defendant told Agent Ortiz that there were two people in the trunk. Agent Miele opened the trunk of the vehicle and two male subjects were found inside. All four passengers removed from the white Buick were interviewed briefly on scene about their citizenship, and all four were determined to be Mexican citizens in the United States illegally. Agent Padilla then responded to the arrest scene and positively identified the defendant as the same individual who was driving the white Buick when he initially observed earlier. The four passengers were arrested for illegal entry and then transported, along with the defendant, to the Campo Border Patrol Station for processing.

**DEFENDANT STATEMENT:**

Defendant **Daniel GONZALEZ** was advised of his Miranda Rights and understood them and was willing to speak without having an attorney present. The defendant stated that he is a United States citizen born in El Centro, California. The defendant stated that on April 24, 2008 he traveled from his home in Thermal, California to Calexico, California with a friend to have a drink. On their way there, the defendant received a telephone call from a female named "Sandy" who he met approximately one month ago at a party. "Sandy" asked the defendant to meet with her at a motel called "El Don" in Calexico, California. The defendant was dropped off by his friend, met with "Sandy" at the motel, and the following morning she asked him if he could drop off a car, referring to the place where he had picked up smuggled aliens approximately one week earlier. The defendant agreed, and "Sandy" gave him the keys to the white Buick. The defendant drove to the spot where he picked up the smuggled aliens on the prior occasion, and the foot guide came out of the brush with the aliens. The defendant stated that he asked the guide if he was going to drive, but the guide told him "No," that he was going to drive, and he would receive a call with further instructions. The defendant stated that when the female got in vehicle, she pushed the trunk release to allow the two men to get inside. The defendant stated that he was taking the smuggled aliens back to Calexico, California and was supposed to receive "a couple hundred dollars" for doing so.

## CONTINUATION OF COMPLAINT:

Daniel GONZALEZ


MATERIAL WITNESSES STATEMENTS:

Material witnesses Rocio CARBAJAL-Lazaro, Armando CHAVEZ-Contreras and Bianey ZAMORA-Morales agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they or family members made arrangements and were to pay between 1,200 to 1,500 U.S. dollars to be smuggled into the United States.

Executed on April 26, 2008, at 9:00 a.m.

  
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Carlos R. Chavez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 25, 2008, in violation of Title 8, United States Code, Section 1324.

  
\_\_\_\_\_  
Nita L. Stormes  
United States Magistrate Judge

Date/Time

4-26-08 @ 12:38PM